

GORDI 43°55'19" N. 69°29'54" W. Kenne-
bunk, Maine (075.1/57.0)
DOMIE 41°39'12" N. 70°57'00" W. Putnam,
Conn. (128.0/44.0)
PATTY 40°50'10" N. 71°58'04" W. Putnam,
Conn. (198.8/67.4)
SARDI 40°31'19" N. 72°47'56" W. Kennedy,
N.Y. (109.0/45.0)

c. J831R would be added to read as follows:

J831R New York, N.Y. to Cod.
PATTY 40°50'10" N. 71°58'04" W. Putnam,
Conn. (198.8/67.4)
Nantucket, Mass. 41°16'54" N. 70°01'38" W.
Nantucket, Mass. (000.0/00.0)
Cod 41°16'50" N. 68°00'00" W. Nantucket,
Mass. (104.3/91.7)

The proposed Jet Route and RNAV routes would improve air traffic handling in the New York area and conform to recommendations made by the Metroplex Area Review Committee in their March 1974 report.

These amendments are proposed under the authority of sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 20, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 74-22341 Filed 9-25-74; 8:45 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Docket No. OPS-30, Notice 74-6]

OFFSHORE PIPELINE FACILITIES

Proposed Standards

The Federal gas pipeline safety standards in Part 192 of Title 49 of the Code of Federal Regulations cover pipelines and pipeline facilities used in the transportation of gas on the "outer continental shelf" and the "lands beneath navigable waters" as those terms are defined in the Outer Continental Shelf Lands Act (43 USC 1331) and the Submerged Lands Act (43 USC 1301), respectively. These areas are hereinafter called "offshore."

The Office of Pipeline Safety (OPS) is considering the need to establish additional standards for the safety of offshore pipeline facilities used to transport gas and to amend existing standards in Part 192 applicable to offshore pipelines. Many of the current standards in Part 192 are by their terms inappropriate for pipeline facilities located offshore. Others, while they are construed to apply to offshore facilities, do not, in the opinion of OPS, prescribe adequate minimum safety requirements for an offshore environment. Some of the restrictions which provide minimum safety onshore appear to OPS to be unreasonable or unnecessary to ensure operational safety when applied offshore. These difficulties exist in part because the standards in Part 192 reflect the requirements of the 1968 edition of the United States of

America Standards Institute B31.8 Code. The requirements of the 1968 edition of this Code are based on principles developed primarily in onshore operations.

This notice solicits early participation by the public in selecting a course of action with respect to developing new or amended rules for offshore pipelines and pipeline facilities. It does not contain proposals for final rule making action. OPS has a policy of beginning a rule making proceeding in this manner before making a specific proposal for rules or amendments where information available to OPS is insufficient to provide a firm basis for action. This notice is in furtherance of that policy.

Besides the considerations of OPS, this notice is based on a petition submitted by the Interstate Natural Gas Association of America (INGAA) to change many of the standards in Part 192 with respect to offshore pipelines. As discussed hereafter, OPS has identified a number of problems in the INGAA petition where advance public comment would be helpful in deciding upon the scope and nature of any formally proposed rule changes. Some of the rule changes suggested by INGAA in its petition which do not concern standards discussed in this notice will be the subject of a future notice of proposed rule making. The INGAA petition is included in the docket for this proceeding and may be reviewed by interested persons.

The primary objective of any new or amended standard for offshore pipelines and pipeline facilities is to provide safety for the general public. To the extent that any new or amended standards are designed to limit or prevent discharges from pipelines or pipeline facilities, these standards will also provide for protection against pollution of the navigable waters or waters of the Outer Continental Shelf.

The OPS invites all interested persons to review the existing standards and the INGAA suggestions and then submit views, data, and information on the following identified problem areas:

(1) *Class location.* Section 192.5 classifies pipeline locations by number based on the number of inhabited buildings within a specific area and on the proximity of a pipeline to inhabited buildings, or occupied outside areas. These classifications are referenced throughout the standards in Part 192 wherever the level of safety required varies according to the location of the pipeline to which the standard applies. A higher degree of safety is required as classification numbers increase.

The classifications in §192.5 were not adopted with offshore pipelines in mind. As a result, the level of safety required by Part 192 under the existing classification scheme may be inappropriate or insufficient for offshore pipeline facilities, except perhaps for facilities at or near platforms or shorelines. If this is true, how should offshore pipeline facilities be classified to provide an adequate level of safety? For example, in addition to proximity to inhabited areas, should offshore pipelines be classified in terms of

the depth of water over a pipeline, the turbulence of water around a pipeline, or the proximity of a pipeline to shipping lanes?

(2) *Supports and anchors.* The existing requirements pertaining to this subject are in §192.161. Paragraphs (b)-(f) concern anchors or supports for "exposed" and "underground" pipelines. It is unclear which, if any, of these requirements applies to offshore pipelines. Which of the requirements should be amended to expressly cover offshore pipelines? If paragraph (f) concerning a foundation to prevent lateral or vertical pipeline movement applies offshore, should it be amended to permit a flexible installation as permitted in paragraph (e)?

(3) *Compressor stations: design and construction.* Section 192.163 governs the design and construction of compressor stations. It was developed with onshore installations in mind. Some of the requirements, particularly in paragraph (a) which covers location, cannot be met offshore. How should §192.163 be amended to provide for the differences between onshore and offshore compressor stations?

(4) *Installation of pipe in a ditch.* Section 192.319 governs installation of pipe in a ditch. What problems are involved in complying with this section offshore? What changes in the requirements should be made to accommodate offshore problems?

(5) *Cover.* Section 192.327 prescribes minimum thickness of soil and rock cover for buried pipelines in various situations. However, this section does not require that pipelines be buried. Should there be a mandatory requirement that offshore pipelines be buried in certain areas? What technological or equipment difficulties would preclude mandatory burial or make it economically impracticable? What offshore hazards would pertain to the burial of pipe? Also, OPS is interested in learning what State or local requirements exist for burial near shorelines and under shipping lanes.

Are the existing cover requirements adequate for offshore pipelines installed below the sea bed? If not, what requirements would be appropriate for offshore pipelines? Should requirements vary with depth of water cover? In answering these questions, it is important to note that significant factors affecting the need for cover offshore do not occur onshore: bottom currents, depth of water cover, vessel traffic, characteristics of soil in the sea bed, and proximity to offshore platforms.

(6) *Leak test and strength test requirements.* When air, natural gas, or inert gas is used as a test medium under §192.503 to substantiate a proposed maximum allowable operating pressure, the maximum hoop stress allowed is governed by the table in paragraph (c). The maximum hoop stress allowed by this table for a Class I location, applicable to most offshore pipelines, is 80 percent of specified minimum yield strength (SMYS). INGAA suggests that tests

made under water should be permitted at 90 percent of SMYS. What hazards in testing under water should be considered in deciding whether a 90 percent level would be safe? If the allowable percentage of SMYS were increased to 90, should any additional safeguards be required to provide a level of safety equal to that for testing at 80 percent of SMYS?

(7) *Increasing maximum allowable operating pressures (uprating).* When uprating is done by increments, § 192.553(a)(1) requires that the segment of pipeline affected be checked for leaks at the end of each increment. Then, under paragraph (a)(2), each leak detected must be repaired or, if the leak is not potentially hazardous, monitored during the pressure increase. Except near shorelines, under shipping lanes, and at or near platforms, leaks offshore are probably not as dangerous as those onshore. Most offshore leaks are unlikely to result in a fire or to accumulate in a closed area and result in an explosion. Should requirements in Subpart K for incremental increases in pressure during uprating apply to offshore pipelines? If so, where there is little risk involved with leaks offshore, are checks for leaks necessary at each incremental increase in pressure? Are hazards present in the process of checking and monitoring leaks under water? If hazards are present, do they overcome the safety advantages of multiple checks for leaks? If the submerged portions of offshore pipelines are exempted from paragraph (a), should the requirements remain applicable to pipelines at or near platforms?

(8) *Uprating under § 192.557.* Paragraph (b)(2) requires that before increasing maximum allowable operating pressure, leaks detected as a result of a leakage survey must be repaired or, if the leak is not potentially hazardous, monitored during the pressure increase. Since gas escaping from an underwater pipeline is not as dangerous as gas escaping onshore (except near shorelines, under shipping lanes, and at or near platforms), should offshore pipelines be exempted from paragraph (b)(2)? Also, are the incremental increases required by paragraph (c) too restrictive? If so, what increases should be permitted?

(9) *Transmission lines: markers.* Section 192.707 requires operators to install line markers wherever necessary to reduce the possibility of damage to or interference with transmission lines. Conventional markers probably cannot be installed offshore. In what locations are markers presently installed offshore? Should this section be amended with respect to offshore pipelines? If so, how should it be amended?

(10) *Transmission lines: permanent field repairs.* Under §§ 192.713, 192.715 and 192.717, a permanent field repair of any imperfection or damage, unacceptable weld, or leak must be made by welding, except for leaks due to corrosion pitting. To meet these welding requirements for offshore pipelines, operators must use specialized equipment and personnel

specially trained to make an acceptable underwater weld. The need for special offshore equipment and personnel results in greater costs of compliance than in meeting the requirements onshore. These added costs may not be warranted in view of the reduced hazard posed by gas escaping offshore as compared with onshore leaks. INGAA states that devices using mechanical connections have been developed to make repairs equal to or better than welding. Should §§ 192.713, 192.715, and 192.717 be amended to permit the use of mechanical connections in lieu of welding offshore? What difficulties have arisen in complying with the current welding requirements offshore?

The OPS is interested in learning more about the use of mechanical devices for permanent repair of pipelines. What types of devices are available on the market for making these repairs and what equipment is necessary for installation? What research and testing has been accomplished concerning these mechanical devices? Has the pipeline industry's experience in using the devices shown them to be reliable for making underwater repairs? Do these devices make a repair as safe as welding? If the devices are permitted offshore in lieu of welding, should they also be permitted onshore?

Comments should identify the notice number and be submitted in duplicate to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. All comments received by November 22, 1974, will be considered by the Director before taking action based on this notice. Late filed comments will be considered so far as practicable. As they are received, comments will be placed in the public docket and thereafter will be available for examination by interested persons.

This advance notice of proposed rule making is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on September 20, 1974.

JOSEPH C. CALDWELL,
Director, Office of
Pipeline Safety.

[FR Doc. 74-22315 Filed 9-25-74; 8:45 am]

[49 CFR Part 192]

[Docket No. OPS-31; Notice 74-7]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Definition of Gathering Line

The Office of Pipeline Safety (OPS) is considering an amendment to § 192.3 to clarify the existing definition of the term "gathering line." In accordance

with the Natural Gas Pipeline Safety Act of 1968, the Federal safety standards (Part 192) apply to the gathering, transmission, or distribution of gas by pipeline in or affecting interstate or foreign commerce, except that the standards do not apply to the gathering of gas in rural locations outside populated areas. Thus, a clear definition of the term "gathering line" is necessary to identify pipelines used in the gathering of gas and to determine applicability of the Federal safety standards to pipelines in rural locations.

In § 192.3 the term "gathering line" is defined as "a pipeline that transports gas from a current production facility to a transmission line or main." Since this definition was adopted (35 FR 13248, August 17, 1970), there has been difficulty in distinguishing between a gathering line and a transmission line. The difficulty arises because the term "transmission line" is defined under § 192.3 with reference to the term "gathering line," creating a vicious circle. This cross referencing results in confusion as to where a gathering line ends and a transmission line begins.

The OPS also recognizes a problem of distinguishing the beginning of a gathering line under the existing definition of the term. Under this definition, a gathering line "transports gas from a current production facility"; but the term "production facility" is not defined, and its limits are not generally recognized. Consequently, the point where pipelines in a production facility end and gathering lines begin is unclear.

The term "production facility" is used in the definition as a beginning point for gathering lines to differentiate between gas in production and gas in transportation. The Federal safety standards in Part 192 apply to the transportation after gas has been produced. The standards do not apply to processes of production or pipelines used to produce gas. Under the proposed new definition, however, the beginning of a gathering line would no longer be at an implicit boundary of a "production facility" but rather the point at which gas has been produced, wherever this may occur. The transportation of gas, and thus a gathering line, would begin as soon as gas is produced and transported by pipeline. Natural gas, for example, is produced and enters transportation at the outlet of a separator or trap, or in the absence of either, at the outlet of a well-head or well-head assembly. Downstream from these locations no further production process is necessary to bring material into a gaseous state or to draw gas from the ground, as the case may be; and the production of gas is complete.

When Part 192 was issued, OPS noted in a preambulatory statement that defining a term is unnecessary when it is used in its ordinary dictionary sense or in accordance with the meaning commonly understood in the gas industry. This rubric is relevant to the jurisdiction of OPS over gathering lines. The dictionary definition is insufficient to properly

delineate jurisdiction. Also, in industry the gathering of gas is a complex operation, involving a variety of pipeline facilities used for sundry purposes. As a consequence, a particular facility may not be generally recognized as a "gathering line." Only a clear definition can make OPS jurisdiction over that facility definite.

Instead of naming components within the meaning of the term "gathering line," the proposed new definition is based on the actual function or service that a line performs. This approach eliminates the need to amend a definition as new or different components not included in the definition are developed. It also eliminates the need to interpret the meaning of named components which may not be generally understood. Under the proposed definition, once the function of a pipeline is determined, by resolving whether it is used to produce gas or to transport gas during treatment or other processing, then there should be no problem identifying a line as a "gathering line."

In consideration of the foregoing, the OPS proposes to amend § 192.3 of Title 49 of the Code of Federal Regulations, as follows:

§ 192.3 Definitions.

As used in this part—

"Gathering line" means a pipeline that transports gas from the point where gas is produced to the end of any treatment or other processing necessary to make the gas generally fit for consumers.

Interested persons are invited to participate in this rule-making action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. All communications received by November 8, 1974, will be considered by the Director before taking final action on the notice. All comments will be available for examination by interested persons at the Office of Pipeline Safety before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1672), sections 831-835 of Title 18, United States Code, section 6(e)(4), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on September 20, 1974.

JOSEPH C. CALDWELL,
Director, Office of
Pipeline Safety.

[FR Doc. 74-22314 Filed 9-25-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[PDR-37, Docket No. 27040; Dated September 20, 1974]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Proposed Revision of Format of Compilation Entitled "Local Service Air Carriers' Unit Costs"

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to its rules of practice (14 CFR Part 302) revising the contents of the compilation entitled "Local Service Air Carriers' Unit Costs." The purpose of the proposed amendment is explained in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1336.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before November 11, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Subpart K of the Board's Procedural Regulations (14 CFR 302.1101-302.1109) prescribes a standardized costing methodology for estimating the cost impact, on an annual basis, of proposed changes in the authorized operations of local service air carriers. For use in preparing the required cost estimates, Subpart K provides for reference to data which the Board publishes twice yearly in a compilation entitled "Local Service Air Carriers' Unit Costs."

Section 302.1109(b) provides that each such published compilation will contain a summary sheet showing the currently prescribed unit costs for each local service carrier to be used in preparing the cost estimates, work sheets showing the derivation of the unit costs, and a general exposition of the costing system prescribed in Subpart K. Prior to publication of the March 1972 edition of the compilation, the publication had consisted of a single volume containing all of the prescribed material. However, beginning with the March 1972 publication, the compilation was expanded to include comparative cost data for trunkline carriers; and, since September 1972, it has been published twice yearly in two volumes.

Because of increasing costs for publishing the expanded compilation, the Board has reviewed § 302.1109(b), and has tentatively concluded that the material presently contained in Volume II, i.e., the work sheets reflecting the derivation of the unit costs and the comparative cost data for trunkline carriers, need be published only once a year. We therefore propose to publish the full two volumes of data only once a year, but to continue to publish semi-annually the volume containing the summary sheets of the current unit costs for each local service and trunkline air carrier, and a general exposition of the costing system prescribed by Subpart K.

Although, under the proposed rule, the compilation published in July would no longer contain the derivation of the unit costs, it is our intention to have this information publicly available by maintaining a copy of the computer runs in the Board's Public Reference Room. It is our tentative opinion that this revised format will still enable users of the compilation to perform the calculations required by Subpart K, while at the same time permitting the Board to reduce its administrative costs.

Finally, we will take this opportunity to revise the list of local service air carriers to whose operations the subpart applies in order to reflect those presently extant.

PROPOSED RULE

It is proposed to amend Part 302 of the Board's Procedural Regulations (14 CFR Part 302) as follows:

1. Amend § 302.1101 to read as follows:

§ 302.1101 Applicability.

This subpart sets forth specific rules applicable to the preparation of cost estimates submitted by any party or nonparty in hearing or nonhearing proceedings which involve proposed changes in the authorized operations of any of the local service air carriers named hereinbelow. The rules set forth herein are also to be used to prepare the estimated cost of operating an existing route or route segment as to which no change in authority is currently proposed, where this information is required in a proceeding. For this purpose, the authorized operation to be costed shall be treated as a proposed deletion. The rules are not applicable to proceedings involving rates and fares. For use with these provisions the Board will issue a compilation entitled "Local Service Air Carriers' Unit Costs" (referred to in these provisions as the "compilation"), pursuant to the provisions of § 302.1109.

Allegheny Airlines, Inc.
Frontier Airlines, Inc.
Hughes Air Corp. d.b.a. Hughes Airwest
North Central Airlines, Inc.
Ozark Air Lines, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.

2. Amend § 302.1109 by revising paragraphs (a) and (b) and adding a new paragraph (c), the section as amended to read as follows:

§ 302.1109 **Compilation.**

(a) *Use of compilation in proceedings.* The Board will publish semiannually, on or about the first of January and July of each year,¹ a compilation entitled "Local Service Air Carriers' Unit Costs." Each new issue shall be appropriately dated and identified, and will supersede the previous edition. Copies of the latest edition may be obtained upon request from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428. Interested persons may, upon written request, be placed on a mailing list to receive new issues as copies become available for mailing. Copies of the current and all past issues will be available for inspection during office hours at the Board's Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. Evidence, pleadings, and argument introduced in a proceeding on the basis of a then current issue shall not be invalidated by the publication of a later issue; however, the administrative law judge or the Board may take official notice of the later issue and make appropriate adjustments in the estimates. Where a subsequent issue of the compilation shows a change in a local service air carriers' unit costs which substantially affects an issue in a proceeding, the administrative law judge or the Board may, upon appropriate terms, permit or require amendments to the record to reflect the subsequent issue.

(b) *Contents of compilation.* Each compilation will contain a summary sheet showing the currently-prescribed unit costs for each local service carrier which are to be used in estimating the total annual cost of a proposed charge in authorized operations, in accordance with the instructions contained in §§ 302.1104 to 302.1107 of this subpart. The compilation will contain a general exposition of the costing method used in determining the unit costs. The Board may also publish as an attachment to any compilation such other data as it may deem appropriate.

(c) *Work papers.* The Board will publish annually, as an attachment to the compilation to be published on or about January 1st, pursuant to paragraph (a) of this section, the work sheets showing the derivation of the unit costs set forth in such compilation. In addition, work papers showing the derivation of unit costs set forth in each current and past compilation will be available for inspection and copying during office hours at the Board's Docket Section, Room 714.

¹The data published in January shall be for the twelve months ended the preceding September 30th and the dates published in July shall be for the twelve months ended the preceding March 31st.

Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. The work papers, whether published or made available for inspection and copying, will contain a general exposition of the costing method used in determining unit costs.

[FR Doc.74-22412 Filed 9-25-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1120]

CONSUMER PRODUCT SAFETY COMPLAINTS; RECORDS ACCESS AND INFORMATION

Extension of Comment Period

On September 3, 1974 the Consumer Product Safety Commission published in the FEDERAL REGISTER (39 FR 31916) proposed requirements that manufacturers, importers, private labelers, and distributors of consumer products maintain and permit access to records and provide information relating to consumer product safety complaints. Comments on the proposal were invited to be submitted on or before October 3, 1974.

To accommodate all parties who have indicated an interest in commenting on this proposal, notice is given that the time period for comments is extended to November 4, 1974. Comments and views on the proposal may be submitted, preferably with five copies, to the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. 20207. Comments received after November 4, 1974 will not be considered.

Dated: September 20, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-22371 Filed 9-25-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 267-5]

CALIFORNIA

Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), September 22, 1972 (37 FR 19812) and May 14, 1973 (38 FR 12702) pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved and promulgated portions of the California plan for the implementation of the national ambient air quality standards. On April 22, 1974 and June 7, 1974, after notice and public hearings, the Governor of California through his designee submitted to the Environmental Protection

Agency (EPA) revisions to the compliance schedule portions of the approved plan. This publication proposes that these revisions be approved pursuant to the provisions of 40 CFR 51.8.

Fifty-one State compliance schedules were submitted. All 51 schedules have been found to satisfy the requirements of 40 CFR Part 51 and are consistent with the approved control strategy. However, 18 of these 51 schedules have since expired and the affected sources are now required to be in compliance with applicable air pollution control regulations. Therefore, the Administrator will take no action with regard to the compliance schedules submitted for these sources.

Each proposed compliance schedule revision establishes a new date by which an individual air pollution source must comply with an emission limitation specified by the implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date." In some cases, the schedule includes incremental steps towards compliance which are not listed in the table.

Proposed compliance schedule revisions listed here are available for public inspection at the California Air Resources Board and the office of EPA, Region IX, at the addresses listed below. An evaluation of each of the 51 schedules is also available at the office of EPA, Region IX.

State of California Air Resources Board
1709, 11th Street
Sacramento CA 95814

Environmental Protection Agency
Enforcement Division, Room 314
100 California Street
San Francisco CA 94111

Interested persons are encouraged to submit written comments on any proposed compliance schedule. Such comments will be accepted for consideration if received on or before October 29, 1974. Comments should be addressed to: Director, Enforcement Division, EPA, Region IX, 100 California Street, San Francisco, California 94111. All comments will be available for public inspection during business hours at the above address.

(42 U.S.C. 1857c-5(a))

Dated: September 3, 1974.

PAUL DEFALCO, Jr.,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart F—California

1. Section 52.240 is amended by adding the following schedules to the table:

§ 52.240 Compliance schedules.

• • • • •
(f) • • •

Source	County	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
Crown Simpson Pulp Company, Order No. 74-2.	Humboldt	52c	Mar. 6, 1974	Immediately	Dec. 21, 1974
Campbell Soup Co.	Sacramento	25	Jan. 25, 1974	do	Dec. 31, 1974
Occidental Chemical Co., Order No. 73-6.	San Joaquin	401 and 404	Feb. 21, 1974	do	Nov. 15, 1974
Signal Terminals, Inc., Order No. 74-7.	do	410 and 412	do	do	Dec. 31, 1974
Southern Pacific Pipe Lines, Inc., Order No. 74-8.	do	do	do	do	Do.
Time Oil Co., Order No. 74-11.	do	do	do	do	Do.
Julius Goldman's Egg City, Order No. 118.	Ventura	52 and 53	Feb. 13, 1974	do	Sept. 30, 1974
American Forest Products, Order No. 27.	Amador	3	Mar. 9, 1974	do	Dec. 16, 1974
Batley Janss Enterprises (protein dryer), Order No. 1.	Imperial	113, 114, and 121	Nov. 7, 1973	do	Oct. 17, 1974
Batley Janss Enterprises (grinding cyclone), Order No. 1.	do	do	do	do	Sept. 15, 1974
United Alfalfa Mills (milling system), Order No. 1.	do	114 and 121	Dec. 12, 1973	do	Sept. 1, 1974
United Alfalfa Mills (dehydration system), Order No. 1.	do	do	do	do	Dec. 1, 1974
Holtville Alfalfa Mills (milling system), Order No. 2.	do	121	do	do	Oct. 31, 1974
Holtville Alfalfa Mills (dehydration system), Order No. 2.	do	do	do	do	Jan. 31, 1975
Naval Air Facility, Order No. 2.	do	do	Feb. 13, 1974	do	Do.
California Portland Cement Co., Order No. 73-7.	Kern	401, 404.1, and 405	Dec. 31, 1973	do	Oct. 18, 1974
DG Shelter Products, Feather River Division, Order No. 73-2.	Plumas	50	Oct. 23, 1973	do	Sept. 1, 1974
Collins Pine Co., Order No. 74-1.	do	do	Jan. 16, 1974	do	Jan. 15, 1975
Western Consumers Industries, Inc., Order No. 74-6.	San Joaquin	401	Jan. 22, 1974	do	Oct. 15, 1974
Ripon Milling, Order No. 74-5.	do	do	do	do	Dec. 15, 1974
Pacific Growers (Nulsaid Food, Inc.), Order No. 74-4.	do	404	do	do	Jan. 1, 1975
Owens-Illinois, Order No. 74-3.	do	401	do	do	July 1, 1975
The Learner Co., Order No. 74-2.	do	401 and 404	do	do	Apr. 1, 1975
California Cedar Products, Order No. 74-1.	do	401, 404, 405, and 406	do	do	Jan. 1, 1975
Holly Sugar Co., Order No. 73-3.	do	401 and 404	Dec. 27, 1973	do	July 1, 1975
Port of Stockton, Order No. 73-8.	do	do	do	do	May 1, 1975
Spreckels Sugar Division, Amstar Corp., Order No. 73-9.	do	404 and 405	do	do	Oct. 1, 1974
Stockton Elevators, Order No. 73-10.	do	401	do	do	Dec. 1, 1974
Feather River Lumber, Order No. 74-1.	Sierra	8 and 10	Jan. 22, 1974	do	Aug. 31, 1974
Holstrom Lumber Co., Order No. 74-2.	do	do	do	do	Nov. 15, 1974
Riverbank Army Ammunition Plant.	Stanislaus	400	Feb. 7, 1974	do	Dec. 31, 1974
Fibreboard Corp. (Pickering Lumber Co.), Order No. 74-1.	Tnolumne	401 (a and b)	Jan. 16, 1974	do	Dec. 1, 1974
3M Co., Order No. 119.	Ventura	66A	Dec. 20, 1973	do	Aug. 31, 1974

[FR Doc. 74-22190 Filed 9-25-74; 8:45 am]

[40 CFR Part 52]

[FRL 268-6]

ALABAMA IMPLEMENTATION PLAN

Proposed Revision; Extension of Comments Period

On August 9, 1974 (39 FR 28645), the Administrator announced a proposed revision in the Alabama implementation plan. This consisted of changes in the regulations governing particulate emissions from coke ovens by providing specific regulations for these sources. Because of the complexity of this revision and in response to numerous requests from affected sources, the Administrator hereby extends the comment period to October 9, 1974. All comments received on or before this date will be considered.

Dated: September 17, 1974.

JACK E. RAVAN,
Regional Administrator,
Region IV.

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[40 CFR Part 52]

[FRL 261-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Deferral of Implementation Plan Requirements and Public Availability of Emission Data

During the past 12 months, four Circuit Courts of Appeal have addressed the question of whether a state may extend a source's compliance date without satisfying the substantive and procedural requirements of section 110(f) of the Clean Air Act (Act). Three of these courts—the First, Second and Eighth Circuits¹—held that source compliance dates could be deferred through the mechanism of a State-issued and EPA-approved vari-

¹ Natural Resources Defense Council, Inc. (NRDC) et al. v. EPA 478 F. 2d 875 (1st Cir. 1973) NRDC et al. v. EPA (Nos. 72-1728 and 72-2165, 2nd Cir., March 13, 1974) NRDC et al. v. EPA, 483 F. 2d 690 (8th Cir. 1973).

ance or enforcement order but only up to the attainment date for meeting the primary ambient air quality standards. In most instances, the date for meeting the primary standards is no later than July 31, 1975. However, in some air quality control regions (AQCRs), primary standards attainment dates have been deferred by extensions granted under authority of § 110(e) of the Act.

From a technical standpoint, the pronouncements of the three circuit courts referred to above can be construed as applying only to those States which are within the jurisdiction of the courts. However, the Administrator believes that when three appellate courts uniformly resolve an issue which is common to every state, the decisions of the courts should be accepted as strongly persuasive guidance for Agency action in all states. Accordingly, the Administrator has determined that the proper course of action is to revise 40 CFR Part 51 (Regulations for Preparation, Adoption, and Submittal of Implementation Plans) to be consistent with the decisions of the courts, and to simultaneously disapprove in 40 CFR Part 52 (Approval and Promulgation of Implementation Plans) the provisions in all plans which have deferral authority inconsistent with the terms of 40 CFR Part 51 as revised. This revision and disapproval are published as final rulemaking in another part of this FEDERAL REGISTER. Regulations limiting the issuance of variances, enforcement orders or other state-initiated measures designed to defer compliance with the applicable plan are proposed below for all states. These proposed regulations will supersede the variance portion of the June 11, 1974 proposal (39 FR 20511) for the State of Washington. This action is being taken so that the regulatory language will be uniform for all states. For the same reason these regulations are being proposed for Indiana, Iowa, Massachusetts, and Rhode Island, even though regulations were promulgated previously for these states. When finalized, the regulatory language proposed herein will supersede the extant variance regulations for these states.

The fourth appellate court² to address the issue of compliance date deferrals held that section 110(f) of the Act is the exclusive means of deferring a compliance date even where the deferral does not go beyond the date for attaining primary standards. It is the Administrator's opinion that compliance date deferrals which do not go beyond applicable attainment dates for primary or secondary standards should be dealt with as a plan revision pursuant to 40 CFR 51.6 and 51.8. Accordingly, the Agency requested the Supreme Court to review the Fifth Circuit Court's opinion, and to stay the

² NRDC et al. v. EPA (N. 72-2402, 5th Cir. February 8, 1974).